B7 7 ~~11~~. (Amended) A system according to claim 1, wherein said announcement[s are] is digitally stored within said playing means.

B8 11 ~~15~~. (Twice Amended) A system according to claim 1, further comprising interaction means for permitting the calling party to interact with said [generated] announcement [at any time] during the playing of the announcement by initiating a predetermined response.

In the Abstract:

Page 23, line 9, delete "an identified".

Page 23, line 10, delete "called party at".

Page 23, line 11, delete "to the identified".

Page 23, line 12, delete "called party".

Page 23, line 14, delete "ringing" and insert --ringback--.

Page 23, line 16, delete "identified called party" and insert --second telephone--.

In the Drawings:

Please amend Fig. 1 by adding a video display terminal 12a as shown circled in red on the attached print of Fig. 1.

REMARKS

After the foregoing amendment, claims 1, 3, 5-8, and 11-15 are active in the present application. Claims 2 and 4 have been cancelled and the subject matter thereof has been incorporated into claim 1. Claims 1, 3, 5, 8, 11 and 15 have

been amended. Claims 9, 10 and 16 were cancelled in a prior response.

The Applicants and their counsel would like to express their sincere appreciation to Examiner Brown for the courtesies extended during the personal interview conducted on August 31, 1993. During the personal interview, the amendments to claim 1, substantially as set forth above, were discussed and briefly reviewed as they relate to formal rejections set forth in the last Office Action. In addition, although no specific prior art rejection was imposed in the last Office Action, the differences and distinctions between claim 1, as amended and the two principle prior art references was also briefly discussed during the interview. The Examiner Interview Summary Record accurately reflects the sum and substance of the interview.

In the last Office Action, the drawings were objected to for failing to show the video terminal of claim 7. Applicants proposed amending the drawings to add in the video terminal to Fig. 1 as shown on the attached print of Fig. 1 encircled in red. Support for this addition to the drawing can be found in the specification at page 4, lines 4-7, and at page 9, lines 31-33. Therefore, it is respectfully submitted that no new matter has been entered. Subject to the approval of the Examiner, the formal drawings will be modified in accordance with the proposed revision to Fig. 1 and new copies of the formal drawings suitable for publication will be submitted to the U.S. Patent and Trademark Office upon receipt of a Notice of Allowability.

In paragraph 3 of the last Office Action, the specification was objected to because of an obvious misdescription pertaining to whether a telephone call is placed to a called party or to a called station. At the suggestion of the Examiner, the reference to the called party has been changed on page 4 and throughout the remainder of the specification to refer to a called station. It is respectfully submitted that in making such changes to the specification, the objection has been overcome and, therefore, it is respectfully submitted that the objection to the specification should be withdrawn.

In paragraphs 4 and 5 of the last Office Action, the specification was objected to under 35 U.S.C. § 112, first paragraph and the pending claims were rejected under the same paragraph based upon certain terminology problems set forth in paragraph 4 of the Office Action. By the foregoing amendment, claims 1 and 15 have been amended to address all of the issues raised by the Examiner.

More specifically, the fifth paragraph of claim 1 has been amended to make it clear that the playing means determines the announcement to be played based upon criteria established by the marketing system independent of the identity of the called station. The term "immediately" has been deleted from the last paragraph of claim 1 and additional language has been entered to clarify that when an initial idle status is encountered, the call is completed when the second telephone is answered and when an initial busy status is encountered the call is completed when the

called station goes back on hook (in other words, assumes the idle status) and thereafter the second telephone is answered. Further, the third paragraph of claim 1 has been amended to make it clear that it is the called station and not the called party which has a particular calling status and claim 1, paragraph 1 has been amended to make it clear that the call progress signals include a busy signal or a ringback signal. Finally, claim 15 has been amended to make it clear that the calling party may only interact with an announcement during the playing of the announcement.

It is respectfully submitted that the amendments made to the claims now bring the claims as well as the specification into compliance with the provisions of 35 U.S.C. § 112, first paragraph and, therefore, it is respectfully submitted that this rejection should be withdrawn.

In paragraph 6 of the Office Action, the claims were rejected under 35 U.S.C. § 112, second paragraph. In particular, claim 1 was rejected for failure to provide antecedent basis with respect to the term "the particular". Claim 11 was rejected for improper pluralization of announcements and claim 15 was rejected for improper basis of said generated announcement. By the foregoing amendment, claim 1 has been amended by deleting the reference to the particular called party, claim 11 has been amended to delete the reference to plural announcements and claim 15 has been amended to delete the reference to the generated announcement. Accordingly, it is respectfully submitted that the

claims are now in compliance with 35 U.S.C. § 112, second paragraph and that the rejection under this provision of the statute should be withdrawn.

In the last Office Action, claims 2 and 4 were rejected under 35 U.S.C. § 112, fourth paragraph as being improperly dependent. By the foregoing amendment, claims 2 and 4 have been cancelled and the subject matter thereof have been incorporated into claim 1 to the extent it was not already incorporated into claim 1. In addition, claim 1 has been slightly amended to make it clear that the announcement is played during a time period when an audible call progress signal would have been provided (as opposed to produced). It should be understood that the call progress signal may or may not still be produced by the telephone system. Whether or not the call progress signal is or is not still produced, a system modified in accordance with the present invention would not provide a call progress signal to the calling party. Accordingly, it is respectfully submitted that the rejection under 35 U.S.C. § 112, fourth paragraph has been overcome and, therefore, should be withdrawn.

PRIOR ART

During the personal interview, the two principle prior art references of record were discussed. It was pointed out that the Sleevi patent (4,811,382), while teaching the concept of a system for supplying messages or announcements to a calling party either between or superimposed over the ringback tones, provides no teaching or suggestion regarding the playing of a message or

announcement during or in conjunction with a busy signal. In addition, there is no teaching in the Sleevi patent regarding the Sleevi system periodically checking the status of the called station for the purpose of permitting the system to later complete the call in the event that the called station had an initial busy status which later changes to an idle status. As pointed out to the Examiner, the present invention as specified in claim 1, includes a provision for checking the busy/idle status of the second telephone at predetermined intervals and, in the case of an initial busy status at the called station, completing the call when the status of the second telephone changes to an idle status and the second telephone is thereafter answered.

The Baral et al. patent (4,932,042) was also discussed at the interview. It was pointed out to the Examiner that the Baral et al. patent discloses a voice message system in which an announcement pertaining to the leaving of a voice message is provided to a calling party during a ringback or a busy signal. The calling party is then invited to enter a particular code (on a touchtone phone) whereupon the caller is switched to the voice mail system, thereby effectively preventing completion of the call to the called station. It was pointed out that in the Baral et al. system, the announcement which the calling party hears is specifically related to the identity of the called station and, in particular, instructions with respect to how to leave a voice mail message for the particular called station. It was further

pointed out to the Examiner that with the Baral et al. system once the call has been transferred to the voice message system to permit the calling party to leave a message, no further attempt is made to check the status of the called station or to thereafter attempt to complete the call to the called station.

During the interview, the Examiner suggested that perhaps the Sleevi and Baral et al. patents could be combined. However, as was respectfully pointed out to the Examiner at that time, neither of these two references teaches or suggests in any manner the concept of periodically rechecking the status of the called station and, thereafter, completing the call in the case of an initial idle status, when the second telephone is answered and, in the case of an initial busy status when the called telephone again goes on hook and is thereafter answered.

In view of the foregoing amendment and discussion, it is respectfully submitted that the present application including claims 1, 3, 5-8 and 11-15, as amended, is in condition for allowance and such action is respectfully solicited.

Respectfully submitted,

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Sept 20, 1993
(Date)

BY: _____

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Enclosure